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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/938,950	08/23/2001	Eiland Glover	2102885-991101	2653
26158	7590	09/30/2005	EXAMINER	
WOMBLE CARLYLE SANDRIDGE & RICE, PLLC			NGUYEN, TRI V	
P.O. BOX 7037			ART UNIT	
ATLANTA, GA 30357-0037			PAPER NUMBER	
			3622	

DATE MAILED: 09/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/938,950	Applicant(s) GLOVER ET AL.	
	Examiner Tri V. Nguyen	Art Unit 3622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

Claim 1 is objected to because of the following informalities:

In claim 1, line 10, "equity" is unclear and lacks antecedent basis. Therefore, for examination purposes, "equity" has been interpreted as "stock, share or investment instrument."

Claims 6, 7 and 8 are objected to because of the following informalities:

In claim 6, line 1, "recited in any of claim 2" is unclear and should be changed to "recited in claim 2."

In claim 7, line 1, "recited in any of claim 3" is unclear and should be changed to "recited in claim 3."

In claim 8, line 1, "recited in any of claim 4" is unclear and should be changed to "recited in claim 4."

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Feidelson et al. (6,345,261). Attention is directed to the effective date of Feidelson et al. being May 21, 1999 from the provisional application No. 60/135,450 as mentioned in the certificate of correction.

Claim 1: Feidelson et al. discloses a method for providing a customer incentive program comprising the steps of:

- a. creating accounts for customers (col 2, lines 6-13; col 14, lines 34-44 and Fig 2);
- b. collecting information pertaining to purchasing transactions made by the customers with sellers using their respective accounts (col 14, lines 45-67; col 15, lines 1-5 and Fig 2);
- c. awarding equity interests in the sellers to the customers based at least in part on the collected information (col 14, lines 45-67; col 15, lines 1-5 and Fig 2);
- d. aggregating the equity awards into one or more aggregate blocks; the aggregate blocks including awards for different customer accounts (col 14, lines 45-67; col 15, lines 1-5 and Fig 2); and
- e. acquiring the equity for the equity awards based on the aggregate blocks (col 14, lines 60-67; col 15, lines 1-15 and Fig 2).

Claim 2: Feidelson et al. discloses a method as recited in claim 1, wherein the purchasing transactions include purchases of goods or services using the Internet (col 7, lines 1-33 and Figs 1 and 3).

Claim 3: Feidelson et al. discloses a method as recited in claim 1, wherein the step of creating accounts is performed using the Internet (col 7, lines 1-33; col 7, lines 65-67; col 8, lines 1-25 and Figs 1 and 3).

Claim 4: Feidelson et al. discloses a method as recited in claim 1, wherein the step of collecting information is performed using the Internet (col 7, lines 1-33 and Figs 1 and 3).

Claim 5: Feidelson et al. discloses a method as recited in claim 1, wherein the step of awarding equity interests to the customers further comprises:

- a. determining values associated with the purchasing transactions of each customer using his account (col 14, lines 60-67; col 15, lines 1-15 and Fig 2);
- b. awarding an equity interest to each customer in an amount based on the value (col 14, lines 60-67; col 15, lines 1-15 and Fig 2).

Claim 6: Feidelson et al. discloses a method as recited in claim 2, wherein the step of awarding equity interests to the customers further comprises:

- a. determining values associated with the purchasing transactions of each customer using his account (col 7, 1-33 and Fig 2);
- b. awarding an equity interest to each customer in an amount based on the value (col 7, 1-33 and Fig 2).

Claim 7: Feidelson et al. a method as recited in claim 3, wherein the step of awarding equity interests to the customers further comprises:

- a. determining values associated with the purchasing transactions of each customer using his account (col 7, 1-33 and Fig 2);
- b. awarding an equity interest to each customer in an amount based on the value (col 7, 1-33 and Fig 2).

Claim 8: Feidelson et al. a method as recited in any of claim 4, wherein the step of awarding equity interests to the customers further comprises:

- a. determining values associated with the purchasing transactions of each customer using his account (col 7, 1-33 and Fig 2);
- b. awarding an equity interest to each customer in an amount based on the value (col 7, 1-33 and Fig 2).

Claim 9 is rejected as related to claim 1 as claim 9 involves a system for implementing the method of claim 1 that is disclosed by Feidelson et al.

Claim 10 is rejected as related to claim 2 as claim 10 involves a system for implementing the method of claim 2 that is disclosed by Feidelson et al.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- a. Walker et al. (6,327,573) discloses a method enabling a shopper reward system capable of tracking performance data of members linked to a single account that can be implemented on the Internet.
- b. Kalina (5,970,480) discloses a method for interfacing a debt credit award system with a credit award system for the tracking and conversion of credit awards from purchases into the acquisition of mutual funds and/or investment vehicle.
- c. Ayyoubi et al. (5,233,514) discloses a method and a system for acquiring an equity position in a company through the purchase of qualifying products or

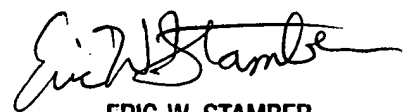
services offered by the company, by accumulating credits toward the purchase of stock in the company based on the quantity of goods or services purchased.

- d. Fernandez-Homann (5,787,404) discloses a method and a system for providing an investment fund based on the purchase rebates.
- e. Bachman et al. (6,895,386) discloses a method and a system for purchasing assets such as stocks based on incentives generated by the purchases of goods and services using a credit card.
- f. Sullivan (6,941,279) discloses a computerized method and system for funding an investment account based on rebates from the usage of the credit card.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tri V. Nguyen whose telephone number is (571) 272-6965. The examiner can normally be reached on M-F 8:30 AM to 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on (571) 272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


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